IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 2447 of 2007.

Prakash @ Pappa Mahadev ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Ms Anjali Patil, Advocate for the applicant.

Mr S. S. Pednekar, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 10th August, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No.327 of 2006 registered with Nerul Police Station for the offence punishable under Sections 302, 201 read with Section 34 of the I.P.C.

4. It is the prosecution case that the co-accused Anil Bendre had love affair with one Jaya. The deceased Sunil was also in love with the said Jaya. On account of this, Anil Bendre gave threats of dire consequences to deceased Sunil. It is further the prosecution case that the co-accused Anil Bendre and the present applicant along with other accused

persons murdered Sunil.

5. According to the learned counsel for the applicant, prima facie, material against the applicant is the statement of the co-accused. No other witness has implicated the present applicant. The submission is that this cannot result in denial of bail.

6. In the present case, the investigation is over and the charge-sheet has been filed. There is no recovery at the instance of the applicant, nor any incriminating articles have been seized by police from the applicant. There are no antecedents against the applicant.

7. Under the above circumstances, I am inclined to grant bail to the applicant on following terms and conditions:-

a] The applicant arrested in connection with C.R.No.327/2006 registered with Nerul Police Station under Sections 302, 201 of the IPC shall be enlarged on bail in the sum of Rs. 15,000/-with one or two sureties in the like amount.

b] He shall report to Police Station

Nerul once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

8. Application is disposed of in above terms.

(V.C. DAGA,J.)